

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY,
BENCH AT AURANGABAD**

WRIT PETITION NO. 6117 OF 2016

Akash s/o Balu Bagul
& others

.. PETITIONERS

VERSUS

The State of Maharashtra
& others

.. RESPONDENTS

Mr. R.V. Gore, advocate for petitioners.
Mr. A.R. Kale, AGP for the State.
Mr. S.T. Shelke, advocate for respondent no. 4.

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**CORAM : R.M. BORDE &
K. L. WADANE, JJ.
DATE : 15th JUNE, 2016.**

PER COURT :

1. Petitioners are objecting to rotation of reservation and prescription of seat in favour of OBC category for the election of Sarpanch of village Panvi Khandala, Tq. Vaijapur.

2. It is the contention of petitioners that general elections to the group Gram Panchayat of village Panvi Khandala and Lakh Khandala were conducted in the year 2012 and, after the general election, the post of Sarpanch was prescribed for General category. During continuance of the tenure of the elected members there was division of group Gram Panchayat and two separate villages namely Panvi Khandala and Lakh Khandala came into existence. After division of the group Gram Panchayat, general elections were declared for both the villages in the year 2015 and prescription of reservation to the post of Sarpanch has been changed and

the post has been prescribed so far as village Panvi Khandala is concerned in favour of OBC category. Petitioners contend that prescription of reservation so far as original village is concerned, shall have to be maintained as per the criteria prescribed by the State Government.

3. Learned AGP for the State, states that the process of prescription of reservation was undertaken so far as 134 villages are concerned and, the post of Sarpanch for the concerned village has been prescribed for OBC category. Since the exercise undertaken by respondent Collector relates to 134 villages and, in order to maintain percentage of reservation the seat has been prescribed for a particular reserved category, we do not find any error or irregularity in the action of the Collector. No interference is called for in the midst of the process of election. It would be open for the petitioner to avail of the remedies available in law. Writ petition is devoid of substance hence stands rejected.

(K. L. WADANE)
JUDGE

(R. M. BORDE)
JUDGE

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